

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (BRL)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

RICHARD I. STAHL; REED ABEND; THE
LAUTENBERG FOUNDATION, JOSHUA S.
LAUTENBERG, ELLEN LAUTENBERG;
EMILIO CHAVEZ, JR.;
RETIREMENT PROGRAM FOR EMPLOYEES
OF THE TOWN OF FAIRFIELD, THE
RETIREMENT PROGRAM FOR POLICE
OFFICERS AND FIREMEN OF THE TOWN
OF FAIRFIELD and THE TOWN OF FAIRFIELD;
FLB FOUNDATION, LTD., JAY WEXLER,
individually and derivatively on behalf of Rye Select
Broad Market Prime Fund, L.P.; DANIEL RYAN and
THERESA RYAN, individually and on behalf of the
RYAN TRUST; MATTHEW GREENBERG,
WALTER GREENBERG and DORIS GREENBERG,
individually and on behalf of the Estate of Leon
Greenberg; and DONNA MCBRIDE, individually and
derivatively on behalf of Beacon Associates LLC II,

Defendants.

Adv. Pro. No. 10-03268

**ORDER ENFORCING AUTOMATIC STAY AND ENJOINING
THE THIRD PARTY PLAINTIFFS FROM ANY FURTHER
PROSECUTION OF THE THIRD PARTY ACTIONS**

Upon consideration of the Application for Enforcement of the Automatic Stay and Injunction (the “Application”) in the above-captioned adversary proceeding of Irving H. Picard (the “Trustee”), trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff, individually, pursuant to 11 U.S.C. §§ 362(a) and 105(a), 15 U.S.C. §§ 78eee(a)(3) and 78eee(b)(2)(B)(i) and Rule 7065 of the Federal Rules of Bankruptcy Procedure, enjoining the third party plaintiffs whose names appear in the above caption (the “Third Party Plaintiffs”) who have commenced actions (the “Third Party Actions”) against Ruth Madoff, Peter Madoff, Andrew Madoff, Mark Madoff and Shana Madoff (collectively, the “Madoff Defendants”), from proceeding with the Third Party Actions as against the Madoff Defendants, until such time as the Trustee has completed his actions against the Madoff Defendants (“Trustee’s Madoff Actions”); and upon the Memorandum of Law, the Affidavit of David J. Sheehan, Esq., sworn to on May 27, 2010, the Affidavit of Matthew Cohen, sworn to on May 26, 2010, the complaint by the Trustee against the Third Party Plaintiffs dated May 27, 2010 (the “Complaint”), the Order to Show Cause dated May 28, 2010, and all of the pleadings and prior proceedings in this and related actions; and a hearing on the Application having been held on February 9, 2011 to consider the Application, and sufficient cause appearing; and consistent with the conclusions of law set forth in this Court’s Memorandum Decision Granting Trustee’s Motion for Enforcement of the Automatic Stay and for a Preliminary Injunction entered on February 9, 2011 in the above-referenced adversary proceeding (Dkt. No. 49); therefore:

IT IS HEREBY ORDERED:

1. The Application is granted.

2. All objections to the Application are overruled in their entirety on the merits.

3. The Third Party Actions, *Stahl v. Madoff*, Index No. 601862/2009 (Sup. Ct. N.Y. Co.); *Abend v. Madoff*, Index No. 601861/2009 (Sup. Ct. N.Y. Co.); *Wexler v. KPMG, LLP*, Index No. 101615/2009 (Sup. Ct. N.Y. Co.); *FLB Foundation Ltd. v. BLMIS*, Index No. 3746/2009 (Sup. Ct. Queens Co.); *Ryan v. Friehling & Horowitz, P.C.*, Index No. 101616/2009 (Sup. Ct. N.Y. Co.); *Greenberg v. Friehling & Horowitz, P.C.*, Index No. 650633/2009 (Sup. Ct. N.Y. Co.); *McBride v. KPMG Int'l*, Index No. 650632/2009 (Sup. Ct. N.Y. Co.); *Lautenberg Foundation v. Madoff*, Case No. 09-cv-00816 (D.N.J.); *Retirement Program for Employees of the Town of Fairfield v. Bernard L. Madoff*, Case No. cv-09-5011561-S (Conn. Super. Ct.); and *Chavez v. Picard*, Case No. 09-mc-00006 (N.D. Tex.), are void *ab initio* as violative of the automatic stay provisions of the Bankruptcy Code § 362(a), SIPA § 78eee(b)(2)(B)(i) and the stay order entered by the U.S. District Court for the Southern District of New York on December 15, 2008.

4. To the extent that the Third Party Actions are not void *ab initio*, pursuant to § 105(a) of the Bankruptcy Code, the Third Party Plaintiffs, their agents, servants, employees, attorneys, and all those acting in concert or participation with them, or acting on their behalf, all defendants, and all parties having notice of this Order, are hereby preliminarily enjoined from any further prosecution of, or further action in connection with, the Third Party Actions, including any discovery of the Trustee, as against the Madoff Defendants, and are hereby preliminarily enjoined from proceeding with any related action against the Madoff Defendants,

until such time as the Trustee has completed the Trustee's Madoff Actions and final, dispositive orders of this Court have been entered in the Trustee's Madoff Actions.

Dated: New York, New York
February 15, 2011 @ 9:55 a.m.

/s/Burton R. Lifland
HONORABLE BURTON R. LIFLAND
UNITED STATES BANKRUPTCY JUDGE